

## **REMARKS**

Claims 71 and 96-115 are under examination. Applicants have canceled the 3 withdrawn claims (claims 72, 116 and 117) without prejudice or disclaimer and subject to being asserted in a continuing application.

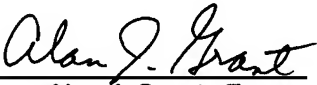
### **Rejection Under 35 U.S.C. 103**

Claims 71 and 96-115 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/26470 in view of WO 96/23058 for the same reasons set forth in the previous Office Action.

In response, Applicants' agent interviewed the Examiner on 28 September 2004. Applicants reiterate their previous arguments and further respond that the WO '470 is not available as a reference against the present application, which is entitled to a priority date of 26 October 1999, because WO '470 is a PCT application filed prior to 29 November 2000 and fails to designate the U.S. Therefore, its effective date is its publication date of 19 April 2001. Applicants believe that no additional response is necessary and urge that the rejection under 35 U.S.C. 102(e)/103 should be withdrawn, with the pending claims passed to issuance.

No fee is due in filing this response. Applicants request that the Commissioner charge any additional fee for this response, or credit any overpayment, to Deposit Acct. No. 03-0678.

Serial No. 10/067,121  
Filed: 13 November 2001

<b>FIRST CLASS CERTIFICATE</b>	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	
 Alan J. Grant, Esq.	<u>10/8/04</u> Date

Respectfully submitted,



Alan J. Grant, Esq.  
Reg. No. 33,389

CARELLA, BYRNE BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
Six Becker Farm Road  
Roseland, NJ 07068  
Phone: 973-994-1700  
Fax: 973-994-1744